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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,174	02/25/2002	Vinay Vasant Kulkarni	P8005	5123

24739 7590 01/24/2007	EXAMINER
CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076	INGBERG, TODD D

ART UNIT	PAPER NUMBER
2193	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)
		10/083,174	KULKARNI ET AL.
Office Action Summary		Examiner	Art Unit	
		Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 October 2000*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-11* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *25 February 2002* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 11 have been examined.

Claims 1, 2, 4, 8, 9 and 10 have been amended.

NOTE Claim 10 is marked (Original) but has been amended and it has been entered.

Specification

1.   The amendment to the Specification has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 3 – 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Batch

as taught by "Not a Batch Language : A Control Language!", E.H.Bristol, published May 1995.

Claim 1

Batch anticipates a software instance operating on a computer platform including a model framework for generating batch programs (Batch, page 2 – object oriented – by definition supports instances and Role of Graphics for framework support also see page 3) comprising: an abstraction representing a batch program(Batch, page 5, Figure 3b and page 8 Figure 5); an abstraction representing a batch function of the program(Batch, page 12, operations); an abstraction representing operation of the function (as per above); an abstraction representing a data provider to the function (Operations above the operation often called a getter should be well known) ; and an abstraction representing a context class of the function (Batch, as defined by the meta model provided by Inheritance, see page 2); characterized in that an instantiation process of the model is initiated with appropriate input data parameters input to each abstraction generating appropriate instances of batch functions including function operations wherein the generated instances are executable as part of a run sequence of the batch program (Batch, instantiating an object based on the class structure as taught on page 2 and the variables of the object as defined on page 7).

Claim 3

The model framework of claim 1 wherein instantiation creates user-instance functions that are operationally linked and together define a user-instance of batch program. Interpreted to be the user defines object by interacting with the object oriented framework of claim 1 – intended use of Batch)

Claim 4
The model framework of claim 3 wherein code required to generate the user instance functions defining the program is automatically generated by the model as a result of data input and subsequent instantiation. (Interpreted to be the instantiation of an object is based on the class structure as per claim 1).

Claim 5
The model framework of claim 1 wherein the data provider obtains its data from a database by query.
Interpretation
A file system can be interpreted as a database. The ability to use messages to access data meets the limitations in the broadest reasonable interpretation (Batch, page 3 Table 1 – Messages/Calls – Data Access).

Claim 6
The model framework of claim 1 wherein one batch function indicates if memory management should be provided. Instantiating an object performs an allocation of memory and meets the limitations in the broadest reasonable interpretation.

Claim 7
The model framework of claim 1 wherein the class encapsulates restart information and information passed between different operations. (Batch, page 3, bullet 3 – On, Off etc).

Claim 8
Batch anticipates a method for developing an executable batch program through model instantiation (Batch, page 2, Introduction and Potential for Objects in Control) comprising steps of
(a) providing an executable model abstraction (Batch, page 3 – bullet items) including program (Problem being solved – Production system in article), function (Batch, method, page 3), class (Batch, page 3 – top), data provider (Batch, message page 3), and operation objects (Batch, methods as per above);
(b) inputting data into the model abstraction, the input data defining a user instance class of batch program (Bullet items as per above to model behaviors);
(c) instantiating the model abstraction (Batch, page 3, Process middle of page);
(d) generating code within the model abstraction, the code defining user instances of batch functions including operations and execution orders (Batch, inheritance model of class classes as per page 2); and
(e) compiling the generated code to build the user instance batch program(Batch, page 10, Translation and pages 13 – 14 for support of tasks).

Claim 9
The method of claim 8 wherein the model comprises a meta model framework.
Class inheritance is the meta model (Batch, page 2, class structure and inheritance)

Claim 11
The method of claim 8 wherein in steps (d) and (e) are automated. (Batch, Abstract – the purpose
of the language).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batch as

applied to claims 1 and 8 above in view of UML as taught by Integrating UML Diagrams for

Production Control Systems by Hans J. Kohler et al, ACM, 2000.

Claim 2
The model framework of claim 1 wherein modeling language is unified modeling language.

Claim 10
The method of claim 8 wherein instep (a) the code is UML language.

Rejection for Claims 2 and 10

Batch teaches the implementation of a meta model for implementing object oriented

framework in a Batch environment (Batch, page 14). However, Batch does not limit the

implementation to the use of Unified Modeling Language. It is UML who teaches UML for

production control systems (UML, Abstract).. Therefore, it would have been obvious to one of

ordinary skill in the art to combine the teachings of Batch and UML, because the ability to

produce "... a complete executable specification.", makes program generation more precise.

Response to Arguments

6.   Applicant's arguments with respect to claims 1 – 11 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
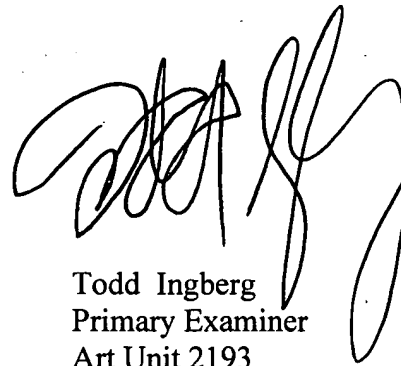
final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov..Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Todd Ingberg
Primary Examiner
Art Unit 2193

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